

## REMARKS/ARGUMENTS

The rejections presented in the Office Action dated November 12, 2008 (hereinafter Office Action) have been considered. Claims 1, 3-8, 10, 12-17, 19, 21-26, 28, 30-35, and 37-41 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

### **1. The Examiner has objected to Claims 21 and 30 for informalities.**

Applicants have amended Claims 21 and 30 to address the claim numbering issues noted in the Office Action. Withdrawal of the objection is therefore respectfully requested.

### **2. Claims 1, 3-10, 12-19, 21-28 and 30-37 are rejected based on 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0100295 by Sakai et al. (hereinafter "Sakai") and further in view of U.S. Patent No. 6,516,202 to Hawkins et al. (hereinafter "Hawkins").**

The Applicants respectfully traverse, and assert that the claims as previously presented are not rendered obvious in view of the combination of Sakai and Hawkins. However, in order to facilitate prosecution of the application and in a *bona fide* attempt to advance the application to allowance, the Applicants present this response with amendment to clarify particular aspects of the claimed invention.

Applicants respectfully submit that the claims as currently presented are patentable over the art of record and are in condition for allowance. Applicants further submit that the amendments to independent Claims 1, 10, 19, and 28 include features recited in now cancelled dependent Claims 9, 18, 27, and 36, respectively (e.g., at least one saved text message). These features, therefore, have been considered by the Examiner and were subject to search in the present Office Action. Hence, the Examiner's next official communication can not be made final on the basis that Applicant's amendments to Claims 1, 10, 19, and 28 necessitated a new grounds of rejection requiring further consideration and/or a new search. Applicant respectfully submits that any subsequent Office Action based on new grounds of rejection must be presented as a non-Final Office Action.

In the Office Action, the rejection of Claims 1 and 9 were grouped together in a common rejection. The rejections substantially relied on Sakai to show the features of Claim 1, but recognized that Sakai fails to explicitly teach contact attempts including both received

unanswered call data and at least one saved message by combining together the unanswered call data and messages which both refer to the same caller. Thus, Hawkins was cited as teaching a mobile telephone that shows combining unanswered call data (e.g., telephone number and time of missed call) with a saved voicemail. However, in citing features of the Sakai and Hawkins references, nowhere did the rejections point out where the combination of Sakai and Hawkins teach or suggest constituting a collection of contact attempts including both received unanswered call data and at least one saved text message. Only the voice mail described in Hawkins was cited as teaching a “message,” and a voicemail is entirely different from a text message, based both on content and how they are processed in the mobile device.

Applicants submit that the combination of Sakai and Hawkins fail to correspond to Claim 1 as amended. Nowhere does this combination teach or suggest that a text message is combined with unanswered call data and presented as contact attempts to a user. Independent Claims 10, 19, and 28 have been amended to include similar features, and therefore these claims are also allowable over the Sakai/Hawkins combination.

Dependent Claims 3-8, 12-17, 21-26, 30-35, and 37 depend from independent Claims 1, 10, 19 and 28, respectively, and each of these claims also stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed combination of Sakai and Hawkins. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” MPEP §2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 3-8, 12-17, 21-26, 30-35, and 37 are also patentable over the combination of Sakai and Hawkins.

Applicants also note the addition of Claims 38-41 which respectively depend from independent Claims 1, 10, 19, and 28. These claims are fully supported in the Application as filed (e.g., FIG. 3C and paragraph 0024) and no new matter has been added. These claims are

allowable over the Sakai/Hawkins combination, at least because of they include all of the features of respective independent Claims 1, 10, 19, and 28, and recite additional features that further distinguish these claims from the cited art.

**3. Claims 28 and 30-37 are rejected based on 35 U.S.C. §101 as being directed to non-statutory subject matter.**

Applicants respectfully traverse the rejections, but in the interests of advancing prosecution, have amended the claims to recite a “computer program storage medium.” This language is fully supported in the Specification as filed (e.g., p. 8, line 29) and no new matter has been added. Because the claims now explicitly recite a program storage medium, there can be no reasonable interpretation of the claims being directed to a signal, carrier wave, or the like. Withdrawal of the rejection is therefore respectfully solicited.

Authorization is given to charge Deposit Account No. 50-3581 (NKO.011.US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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